

**Remarks**

This is in response to the first Office Action mailed October 12, 2005, which rejected claims 1, 3, 6-7, 10-13, 18, 20-21 and 23-24, and objected to claims 2, 4-5, 8-9, 14-17, 19-20, 22 and 25-27.

The Applicant has hereinabove provided amendments to the claims including clarifying and broadening amendments to claims 1-6, 10-12 and 14-25. Claims 8-9, 13 and 26-27 have been cancelled without prejudice.

Independent claim 1 now generally features an apparatus comprising "a cantilevered assembly comprising a transducer." Support for this includes FIG. 1 and in the specification at page 1, lines 16-17. Claim 1 further generally features "a flow control device to provide blowing or suction to a selected one of an upstream leading edge or a downstream trailing edge of the cantilevered assembly." Support for this includes FIGS. 1, 2, and 4, block 124-8 in FIG. 8, the previous language of claim 1, and in the specification at page 2, lines 8-10; page 4, lines 7-10; and page 5, lines 13-19.

Support for the amendments to independent claims 10 and 20 is also provided by the above sections of the application. The various amendments to the dependent claims improve readability and better conform the dependent claims to the base independent claims.

These amendments are believed to be proper, do not introduce new matter, and serve to place the application in proper condition for reconsideration and allowance.

**Rejection of Claims Under 35 U.S.C. §102(b)**

Claims 1, 3, 6-7, 20 and 23 were rejected as being anticipated by U.S. Patent No.

5,818,658 to Balster et al. ("Balster '658"). This rejection is respectfully traversed.

Balster '658 at least fails to disclose "a flow control device to provide blowing or suction to a selected one of an upstream leading edge or a downstream trailing edge of the cantilevered assembly," as featured by claim 1. Rather, Balster '658 applies suction in a transverse direction in order to adjust a fly height of a cantilevered head 12. See e.g., FIG. 2; col. 2, lines 56-60.

While Balster '658 discloses that "ambient air moves around the suspension and toward the sub-ambient void," it is clear that this induces a balanced low pressure region on both upstream and downstream sides of the HGA 12. See col. 2, lines 59-62. Indeed, Balster '658 discloses that the methodology prevents unbalanced (sliding) movement of the head 12, which would be induced by providing blowing or suction "to a selected one" of an upstream leading edge or downstream trailing edge, as claimed. See e.g., col. 3, lines 46-54; Abstract, lines 17-20.

Accordingly, reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested. As Balster '658 is similarly deficient with regard to the rejection of independent claim 20, reconsideration and withdrawal of the rejection of claim 20, and for the claims depending therefrom, are also respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. 103(a)**

Claims 10-13, 18, 21 and 24 were rejected as being obvious over Balster '658 in view of U.S. Patent No. 6,259,576 to Ahn ("Ahn '576"). This rejection is respectfully traversed.

The deficiencies of Balster '658 have been set forth above at least with regard to teaching or suggesting "a flow control device to provide pressure or suction to a selected one of an upstream leading edge or a downstream trailing edge of the cantilevered assembly," as generally featured by independent claim 10. Ahn '576 fails to make up for this deficiency of Ahn '576.

Moreover, as discussed above Balster '658 teaches away from the claimed combination inasmuch as Balster '658 teaches one skilled in the art to move the head 12 elevationally (up and down) via balanced suction pressure and identifies unbalanced pressure as being undesirable. Accordingly, one skilled in the art would not be motivated from the teachings and suggestions of Balster '658, alone or in combination with Ahn '576, to arrive at an obvious variant of the subject matter of claim 10.

Accordingly, reconsideration and withdrawal of the rejection of independent claim 10, and for the claims depending therefrom, are respectfully requested. In addition, reconsideration and withdrawal of the rejection of dependent claims 21 and 24 are requested on the basis that these claims depend from a base claim believed patentable as set forth by the previous discussion above.

#### Allowable Subject Matter

The Applicant gratefully acknowledges the indication of allowability of dependent claims 2, 4-5, 8-9, 14-17, 19-20, 22 and 25-27.

**Conclusion**

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the first Office Action mailed October 12, 2005. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

By: 

Randall K. McCarthy, Registration No. 39,297  
Mitchell K. McCarthy, Registration No. 38,794  
Fellers, Snider, Blankenship, Bailey and Tippens  
100 N. Broadway, Suite 1700  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 232-0621  
Facsimile: (405) 232-9659  
Customer No. 33900